

U.S. APPLICATION 09/945,053
AMENDMENT B AND REQUEST FOR A TELEPHONE INTERVIEW
ATTORNEY DOCKET NO.: 3919.003

REMARKS

Review and reconsideration of the Communication of October 22, 2003, is respectfully requested in view of the above amendments and the following remarks.

Applicant would like to thank the Examiner for the indication that Claims 10-21 and 23 are allowed. Applicant believes that Claims 1-9 are also allowable.

Claim 1 has been amended to include the limitation:

"wherein from about 40 to about 70% weight of the total composition is comprised of the inorganic salt in crystalline form"

Support for the claim amendment can be found on page 13, lines 1-2 of the application as originally filed.

Applicant notes the Examiner's indication that Claim 10 is allowable. After reviewing the Claim, Applicant notes that Claim 10 depends on Claim 1, which was rejected. Applicant has re-written Claim 10 in independent form.

Care has been taken to ensure that no new matter is added to the claims.

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Applicant notes the Examiner's indication that Applicant has not provided a showing that the inorganic salt disclosed in Chung is not in crystalline form, thus he maintained his previous rejection.

In order to overcome the rejection, Applicant is submitting herewith a Declaration under 37 C.F.R. §1.132 to demonstrate that the composition of the Chung reference does not contain 40-70% of an inorganic salt in crystalline form. Applicant respectfully requests that the Examiner consider the attached Declaration.

Furthermore, Applicant notes that the reference uses the salt to help in the emulsification of the coconut oil (column 2, lines 59-68). Thus, a person skilled in the art will not consider using high amounts of salt (such as to saturate or over saturate the composition) because that will be impractical.

Applicant respectfully asks the Examiner to check the preparation of Sample C on the attached Declaration. The results demonstrate that a person skilled in the art will not use a high amount of salt in crystalline form to produce an emulsion because when the composition contains high amount of salt, the final product separated into 3 distinct layers. This non-uniform solution is not desirable if the solution is going to be used as detergent (Chung reference).

Office Action

Turning to the Office Action, the paragraphing of the Examiner is adopted.

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Paragraph 1 (Status of claims)

This Office Action is in response to Applicant's amendment filed August 8, 2003. The Examiner states that Applicant has amended Claims 17 and 23, and Claim 22 has been cancelled. Currently, Claims 1-21 and 23 remain pending in the application.

Paragraphs 2-4

The Examiner had withdrawn the objection of Claims 17 and 22 in view of Applicant's amendments and remarks.

The Examiner had withdrawn the rejection of Claim 23 under 35 U.S.C. 112, second paragraph, in view of Applicant's amendments and remarks.

Applicant would like to thank the Examiner for these indications.

Paragraphs 5 and 7

The Examiner rejects Claims 1-9 under 35 U.S.C. 102(b) as being anticipated by Chung, U.S. Patent No. 4,808,330.

The position of the Examiner can be found on pages 2-3 of the Office Action.

Applicant respectfully traverses.

For a reference to anticipate, it must disclose every single element of the claim.

Applicant reviewed the Chung reference and notes that compared with present Claim 1, the reference fails to teach that the composition contains from about 40 to 70 % weight of the

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total composition of the inorganic salt in crystalline form.

Applicant notes the Examiner's indication that Applicant has not provided a showing that the inorganic salt disclosed in Chung is not in crystalline form, thus he maintained his previous rejection.

In order to overcome the rejection, Applicant is submitting herewith a Declaration under 37 C.F.R. §1.132 to demonstrate that the composition of the Chung reference does not contain 40-70% of an inorganic salt in crystalline form. Applicant respectfully requests that the Examiner consider the attached Declaration.

Furthermore, Applicant notes that it clearly states under the "Preparation" portion of specification of the reference that the "first portion" (SALT DISSOLVED IN WATER) are "DISSOLVED" and then mixed with the "second portion" (COCONUT OIL DISSOLVED IN ALCOHOL) also "DISSOLVED" to form an emulsion (A stable dispersion of one liquid in a second immiscible liquid).

Furthermore, Applicant notes that the reference uses the salt to help in the emulsification of the coconut oil (column 2, lines 59-68). Thus, a person skilled in the art will not consider using high amounts of salt (such as to saturate or over saturate the composition) because that will be impractical.

Applicant respectfully asks the Examiner to check the preparation of Sample C in the attached Declaration. The results demonstrate that a person skilled in the art will not

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use a high amount of salt in crystalline form to produce an emulsion because when the composition contains a high amount of salt, the final product separated into 3 distinct layers. This non-uniform solution is not desirable if the solution is going to be used as detergent (Chung reference).

Thus, the reference does not anticipate present Claim 1 of the present invention.

Accordingly, withdrawal of the rejection is respectfully requested.

Paragraph 6

The Examiner withdraws the rejection of Claims 1-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-5 of U.S. Patent No. 6,284,056 in view of Applicant's timely filed Terminal Disclaimer.

Applicant would like to thank the Examiner for the indication.

Paragraph 8 (Allowable Subject Matter)

The Examiner indicated that Claims 10-21 and 23 are allowable.

Applicant would like to thank the Examiner for the indication.

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Favorable consideration and early indication of allowability is respectfully requested. Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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Date: February 23, 2004

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing AMENDMENT B for U.S. Application No. 09/945,053 filed August 31, 2001, is being Facsimile transmitted to the Patent and Trademark Office, "AFTER FINAL" facsimile number (703) 872-9306 Attn: Commissioner for Patents, P. Bo. Box 1450, Alexandria VA 22313-1450, on February 20, 2004.

Evelyn A. Defillio

Name of Person Signing Certification

Evelyn A. Defillio
Signature

Feb 23/04
Date

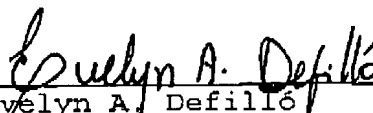
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AUTHORIZATION TO CHARGE

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Evelyn A. DeFillio